

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Ellington, A.

FILED: February 2, 2001

SERIAL NO.: 09/776,252

FOR: Signaling Aptamers that Transduce
Molecular Recognition to Changes in

Fluorescence Intensity

ART UNIT:

80.00.00.00.00.00

1634

EXAMINER:

Zitomer, S

DOCKET:

D6296

MS AF Commissioner of Patents P.O. Box 1450 Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES AND PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Dear Sir:

Pursuant to 37 C.F.R. §1.136(a), Applicant hereby petitions that the period for response for the purpose of filing a Notice of Appeal, as governed by the Final Office Action mailed November 26, 2002, in the above-referenced patent application, be extended an additional month from April 26, 2003 to and including May 27, 2003. Please debit the \$260 extension fee (\$465 three month extension - \$205 two month extension that has already been paid) under 37 C.F.R. §1.17(a) or any other fees due from Deposit Acct. 07-1185.

Applicant hereby appeals to the Board of Patent Appeals and Interferences the decision dated November 26, 2002 from the Primary Examiner, rejecting claims 1, 2, 5-12, 15, 17-25, and 28.

The Commissioner is hereby authorized to charge Deposit Account No. 07-1185 in the total amount of \$420 (\$260 extension fee + \$160 appeal fee) and any additional fee that may be required. Please credit any overpayment or debit any underpayment to Deposit Account 07-1185.

05/30/2003 AWONDAF1 00000158 071185 09776258

01 FC:2401 02 FC:2253 160.00 CH 260.00 CH

Date: MV / (10)
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Respectfully submitted,

Benjamin Aaron Adler, Ph.D., J.D.

Registration No. 35,423 Counsel for Applicant